

Ask the U.S. Embassy

February 27th

I currently have a visitor visa and I am thinking about asking my mother to start the immigrant visa petitioning process for me to move to the United States. I am worried because I have heard that my visitor visa will be cancelled if someone is filing for me. Is this true?

Your nonimmigrant visa will not be automatically cancelled if someone files an immigrant petition on your behalf. The process of obtaining an immigrant visa takes a minimum of several months and lasts much longer in some cases. Many Jamaicans travel lawfully with a nonimmigrant visa while they are waiting for their immigrant paperwork to be processed.

Since you already have a nonimmigrant visa, you simply need to continue using it lawfully. As long as you do not misuse your visa, it will not be cancelled until your immigrant visa is ready for final processing. Individuals who wish to obtain a nonimmigrant visa for the first time while their immigrant visa petition is pending must convince a consular officer that they will not use the nonimmigrant visa to bypass the line and illegally immigrate.

When your immigrant visa petition becomes “current” – meaning that it is ready for final processing – you will be scheduled for an appointment at the U.S. Embassy. At that appointment, your nonimmigrant visa will be cancelled because the law does not allow an individual to possess both a nonimmigrant and an immigrant visa at the same time. Processing of the immigrant visa typically takes a week or two after your appointment, if all of your documents are in order. Individuals who fail to come prepared with all necessary documents will face longer delays in obtaining their visas.

Announcement: The U.S. Embassy in Kingston will be transitioning to a new and improved visa appointment system on March 18, 2013. As a result of this new system, the PINs sold at National Commercial Bank required to make a visa appointment will be phased out and will not be valid after March 12, 2013. There will be no fee increase associated with these changes. Stay tuned for more details in this column in the coming weeks.